

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FERNANDO NAVARRO,

Plaintiff,

v.

BRIAN WILLIAMS, *et al.*,

Defendants.

Case No. 3:20-CV-0282-ART-CLB

**REPORT AND RECOMMENDATION OF
U.S. MAGISTRATE JUDGE¹**

This case involves a civil rights action filed by Plaintiff Fernando Navarro (“Navarro”) against Defendants Georges-Pele Taino, Monique Hubbard-Pickett, Bob Faulkner, and Michael Minev (“Defendants”). Before the Court is Navarro’s failure to comply with Local Rule (“LR”) IA 3-1 requiring him to change his address.

Defendants served discovery on Navarro which was returned because Navarro was paroled. (ECF No. 23.) Defendants also filed a notice alerting the Court that Navarro did not change his address. (ECF No. 22.) Thereafter, the Court issued an order requiring Navarro to update his address by July 8, 2022 pursuant to Local Rule IA 3-1. (ECF No. 24). Navarro was cautioned that his failure to do so would result in a dismissal of this action. (*Id.*)

To date, Navarro has not filed a notice of change of address with the Court. In fact, Navarro has not filed a document in this case since he filed an application to proceed *in forma pauperis* on June 12, 2020. (ECF No. 4). The last time Navarro actively participated in this action was by attending an early mediation conference on September 14, 2021. (ECF No. 12.) LR IA 3-1 provides the failure to “immediately file with the Court written notification of any change of address . . . may result in dismissal of the action . . .”.

¹ This Report and Recommendation is made to the Honorable Anne R. Traum, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4.

Prior to dismissal for failure to follow local rules, the Court must consider “(1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)). This litigation cannot proceed or be decided on the merits if the Court and Defendants cannot contact Navarro, nor should the Court or Defendants be required to continue to try to resolve the case without the Navarro’s participation. The Court finds that all five factors favor dismissal of this case.

Based on the foregoing and for good cause appearing, the court recommends that this case be dismissed based upon Navarro’s failure to notify the court of his change of address pursuant to LR IA 3-1.

The parties are advised:

1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this Report and Recommendation within fourteen days of receipt. These objections should be entitled “Objections to Magistrate Judge’s Report and Recommendation” and should be accompanied by points and authorities for consideration by the District Court.

2. This Report and Recommendation is not an appealable order and any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court’s judgment.

RECOMMENDATION

IT IS THEREFORE RECOMMENDED that this action be **DISMISSED** for Navarro’s failure to comply with LR IA 3-1.

DATED: July 11, 2022.


UNITED STATES MAGISTRATE JUDGE